

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHASE BANK USA., N.A.,

Movant,

v.

M. HARVEY REPHEN & ASSOCIATES,
P.C.

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/12/2021

Case No. 1:19-mc-00275-GHW

[PROPOSED] ORDER FOR TURNOVER OF FUNDS

THIS MATTER having been presented to the Court through a joint letter motion by Movant Chase Bank USA, N.A. n/k/a JPMorgan Chase Bank, by and through its attorneys, Dechert LLP, and Adverse Claimant Diana Werner, by and through her representative Robert Werner, seeking an order for the turnover of funds held by Garnishee JPMorgan Chase Bank, N.A of the bank account of M. Harvey Rephen & Associates, P.C. (the "Rephen Firm") ending in -9428, pursuant to Federal Rule of Civil Procedure 69(a)(1) and Section 5225(b) of the New York Civil Practice Law and Rules, and for good cause shown;

IT IS on this 12 day of November, 2021,

ORDERED AND ADJUDGED:

1. The letter motion is granted.
2. The Restraining Notice on the Rephen Firm's bank account ending in -9428 and has been extended through November 30, 2020 subject to the modification and exception shall be extended through November 15, 2021. set forth below.
3. Garnishee JPMorgan Chase Bank, N.A., is ordered to turn over to Movant

5 business days after entry
herein, within ~~5 days of service~~ of this Order, \$73,398.21 in the Rephen Firm's bank account
ending in -9428 in partial satisfaction of the Court's April 20, 2020 judgment in favor of
Movant.

~~4. Upon expiration of the Restraining Notice of the 9428 account, the Rephen Firm shall issue a check in the amount of \$11,000 payable to Diana Werner.~~

4. The Restraining Notice is hereby modified and subject to the following exception. Within 5 business days after entry of this Order, the Rephen Firm shall (a) issue a check in the amount of \$11,000 payable to Diana Werner and (b) send the check to Ms. Werner by overnight mail service

5. Within three business days of the date of entry of this Order, Chase shall provide a copy of this Order to Ms. Werner or her representative and file proof of service of same.

6. Upon filing of the proof of service required by (5), the Clerk of Court is respectfully requested to terminate all motions and conferences, and close this matter. The parties will each bear their own costs.

SO ORDERED:



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE